### Official Minutes for Webb County Commissioners Court Meeting

# Monday, November 27, 2006 at 1:00 PM and continuing Tuesday, November 28, 2006 at 1:00 PM (Approved December 11, 2006)

### Item No. 1 Call to order by Judge Louis H. Bruni

Let it be remembered that a regular meeting of the Webb County Commissioners Court was held at 1:00 p.m. at the regular meeting place with the following members present to wit:

Louis H. Bruni County Judge
Frank Sciaraffa Commissioner, Pct. 1
Judith Gutierrez Commissioner, Pct. 2
Jerry Garza Commissioner, Pct. 3
Cindy Cortez-Brunner Commissioner, Pct. 4

Thus constituting a quorum, the Commissioners Court proceeded to act upon the Agenda as posted in the meeting notice of the 22<sup>nd</sup> of November 2006. Present also were Mrs. Imelda Diaz, Deputy County Clerk representing Mrs. Margie Ramirez Ibarra, Ex-officio Clerk of the Commissioners Court, various officers and others interested in the business of the Court.

- Item No. 2 Roll Call Ana D. Morales, Chief Deputy Clerk
- Item No. 3 Pledge of Allegiance Led by All
- Item No. 4 Approval of minutes October 23, 2006, November 13, 2006, and November 20, 2006

Judge Bruni stated that there were two corrections on the November 13<sup>th</sup> minutes. He mentioned that on page three Rick Cortez needed to be David Cortez and the Anita Bruni Community Center needed to be Fred M. & Anita Bruni Community Center.

Judge Bruni motioned to approve minutes with corrections. Cmr. Brunner seconded the motion.

Motion carried 5-0 by unanimous consent.

### Item No. 5 Approval of bills, payroll and monthly reports

Mrs. Delia Perales, County Treasurer, explained that on Section 1 on the Treasurer's Report ending October 2006 all her bank accounts have been reconciled to the statement and to the ledger. She mentioned that Section 3 is in reference to the sales tax which is over by \$138,000.00 versus last year. She stated that Section 6 shows the payments for all certificates for this coming fiscal year in the amount of \$1.4 million over last year in payments.

Cmr. Sciaraffa motioned to approve item as submitted. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent

#### Item No. 6. Communications

Cmr. Sciaraffa welcomed everyone back from the Thanksgiving Holidays. He stated that he would like to wish everyone a Merry Christmas and enjoy the long vacation that Judge Bruni had given Webb County.

Cmr. Gutierrez welcomed everyone back and hoped everyone had a good Thanksgiving Holiday.

Judge Bruni wished everyone Happy Holidays and hoped everyone had a good Thanksgiving. He mentioned that his administration had just one more meeting on which they were to meet and wished the best to the new administration.

Cmr. Garza stated that he had no communications.

Cmr. Brunner congratulated the United High School Football Team and Coach David Sanchez for a job well done. She also congratulated the Aggies.

Item No. 7. Public Comment-This section provides the public the opportunity to address the Commissioners Court on any items on the Agenda. Members of the public wishing to participate must complete a Witness Card specifying which agenda item they wish to comment on. Each public member will be allowed a total of three (3) minutes within which to make any/all public comments.

#### 1ST WITNESS- MARCEL D NOTZON III

Mr. Notzon stated that he was glad that the item on the Camino Colombia was on the agenda. Mr. Notzon asked the Court for their consideration on this matter. He stated that he was available if the Court had any questions.

#### 2<sup>ND</sup> WITNESS- RICHARD ROSELL (LAREDO VETERANS COALITION)

Mr. Rosell thanked the Court on behalf of himself and the veterans for the financial, moral, and service support they have had towards the Veterans. He stated that among them was a strong, service oriented, and dedicated Veteran whose name was Tony Silva. He thanked Cmr. Gutierrez for always being a good listener and always following through in what she said.

#### 3RD WITNESS- ANTHONY PETERSON

Mr. Anthony Peterson spoke on Item 16 where he stated that the Directors of these Community Centers should not be paying for the cell phone usage. He also spoke on Item 23 where he was in favor for approval of this item. He stated that this way the Veterans could have a place to meet.

#### 4TH WITNESS- EVA DELGADO

Ms. Eva Delgado spoke against Item 23. She mentioned that she was concerned on the amount of money being given to the Veterans. She asked what this money was being used for. She stated that she has seen many projects that have been made which are not good for the community. She mentioned that the Court were politicians who come and go and who would be left with the consequences for the no good decisions that the Court would make. She mentioned that we should honor those who died in war and gave us our freedom; however, she felt these monies should be used for benefits to the Veterans in need right now. She stated that there was a museum next to La Posada and stated that not many had visited it.

#### 5<sup>TH</sup> WITNESS- SERGIO "KEKO" MARTINEZ

Mr. Sergio Martinez spoke in reference to item 23. He stated that he was for the services for the Veterans since he was a Veteran himself. However, he mentioned that this project is being rushed by some members of the Court and a survey should be conducted and not waive this survey from being conducted. He mentioned that some members of this Court had only a month left and should consider conducting a survey first before approving anything. He stated that he could ask anyone in the audience who has visited the museum next to La Posada and not many would respond. He stated that a lot of questions remain unanswered. He mentioned what was going to be the bottom figure to this project. He stated that 1 million dollars was the amount to start the project; however, Webb County tax payers would be left with paying the rest of the bill. He asked the Court to conduct a survey to make sure that what will be purchased is in fact what is being purchased.

#### **6TH WITNESS- GEORGE PONTIKES**

Mr. George Pontikes mentioned to the Court that as they well know the County entered into an agreement with Satterfield & Pontikes Construction for the construction of the Water Treatment Plant. He mentioned that this project has been a difficult project since the beginning because there have been many issues. Mr. Pontikes mentioned that they were in the final stages of closing out the project and still a few issues have not been resolved. He stated that they were currently going through a Triple A mediation; however, there were no guarantees that this matter would get resolved. Mr. Pontikes stated that he believed that it was in the best interest of the County to try to settle this matter before going into mediation.

#### 7<sup>TH</sup> WITNESS- JOSE M. SOTO

Mr. Juan M. Soto thanked the Court on behalf of the Laredo Veteran's Coalition and all Korean Veterans for everything that they have done for them.

#### **8TH WITNESS- FRANK VIDA**

Mr. Frank Vida from the American Legion Post 59, stated that he would like to make it known that the American Legion Post 59 is in no way associated, affiliated, or connected with the Laredo Veteran's Coalition. He stated that the American Legion provides services for the Veterans on Memorial Day in which members from Post 59 and other posts place flags to all the Veteran's gravesides. He stated that this past Veteran's Day they served over 1000 hotdogs and soft drinks to all the children who were in the band, ROTC, and other people that came to the Legion. He mentioned that they support a lot of activities for the Veterans in which they don't get a lot of credit for. He stated that one of the most important service that they do is they honor the deceased Veterans by providing at no cost to the Veterans or their family an Honor Guard, a 21-gun salute, presentation of colors, and the presentation of the flag to the deceased family. He asked the Court

to consider a fraction of the money that will be brought up on Item 23 for other organizations that support the Veterans.

#### 9TH WITNESS- DAVID CARDWELL

Mr. David Cardwell spoke in behalf of Item 41. However, he mentioned that he felt that he was in favor of three items in the agenda because he has spoken in favor of the Girls Scouts, LIFE, and is a Veteran himself even though he is not part of any organization. He commended Judge Bruni and all the Commissioners in looking at the foresight that they have done with all three items. He stated that it has been for the youth in LIFE Downs, youth in the Girls Scouts, and the Veterans who have served, who are serving, and those who gave their lives so we can be here in freedom. He asked the Court to approve and authorize Road & Bridge to construct a parking lot for LIFE utilizing the asphalt being donated by Tex-Dot.

Cmr. Gutierrrez motioned to bring up Item 23. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 23. Discussion and possible action to enter into a real estate sales contract with The Laredo Veterans Coalition for the purchase of real property described as:

TRACT I: Situated in Webb County, Texas, and being Lot Number ONE (1), and the North One-half of Lot Number TEN (N. 1/2 of 10) and the North One-half of the West Eighteen Varas of Lot Number NINE (N. 1/2 of the W. 18 varas of 9), in Block Number THIRTY-TWO (32), situated in the WESTERN DIVISION of the City of Laredo, Webb County, Texas, as per Original Map of said City and

TRACT II: Situated in Webb County, Texas, and being the South One-half of Lot Number TEN (S. 1/2 of 10) and the South One-half of the West Eighteen Varas of Lot Number NINE (S. 1/2 of the W. 18 varas of 9), in Block Number THIRTY TWO (32), situated in the WESTERN DIVISION of the City of Laredo, Webb County, Texas, as per Original Map of said City, in an amount not to exceed ONE HUNDRED THOUSAND DOLLLARS (\$100,000.00) waiving survey of the property, earnest money in the amount of ONE THOUSAND DOLLARS (\$1,000.00) authorizing closing on the property and authorizing the County Judge to sign all relevant documents.

Cmr. Gutierrez motioned to approve the item. She stated that the Court has been working on the item for a couple of years and was not rushed like it was stated before. She stated that there has been several meeting with the Laredo Veterans Coalition at least for the past two years. She stated that she was sorry that the people that spoke against this item did not stay. She stated that

Webb County was here to represent all Veterans. She mentioned that she was sorry to hear that the American Legion chooses not to be a part of the Laredo Veterans Coalition. She said that on behalf of herself she thanked all Veterans for the services that they have given to the community.

Cmr. Gutierrez motioned to approve item. Cmr. Garza seconded the motion with discussion. He asked what the reason was in waiving the survey for the property.

Mr. Carlos Villarreal, Executive Administrator, mentioned that this had previously been discussed with staff and they did want to make sure that a survey was conducted. He mentioned that this would set the record straight and they also wanted to make sure that the appraisal was not waived either. Mr. Villarreal mentioned that a misconception that needs to be cleared is that the building is not being bought for 1 million dollars and the survey and the appraisal need to be done. He also mentioned that there needs to be clarification as to when the County purchases the property which has about three leases with private sectors, are they as staff going to be responsible for negotiating and come back to the Court with a recommendation.

Cmr. Gutierrez stated that she would make part of her motion that those properties that are currently being leased be negotiated by Webb County and suggest that this negotiation would be under Mr. Villarreal's department.

Mr. Villarreal asked if the survey and appraisal would be kept.

Cmr. Gutierrez stated that Mr. Bratton had done a lot of work in this project and knowing the purchase price; she mentioned that one could not buy a piece of property for less than \$100,000.00. She stated that an appraisal had already been done when the Veterans purchased the property from The Farias family and copy has been kept. She stated that she hopes that if all this is a requirement, it is not used to stall this project and hopes everything is done within the next two weeks before the next meeting. Cmr. Gutierrez reaffirmed her motion by saying that she motions to approve this item with the stipulations that they come back in two weeks with the information.

Mr. Villarreal stated that they will also have a reviewed appraisal within those two weeks and bring back to the Court. He mentioned that their intent was not to delay this project.

Cmr. Garza asked Cmr. Gutierrez to repeat her motion.

Cmr. Gutierrez stated that her motion was to approve the item and to allow staff to come back in two weeks with the survey and reviewed appraisal.

Judge Bruni agreed with Cmr. Gutierrez and mentioned that no matter how this survey comes back the building will be purchased.

Mr. Villarreal mentioned that they will bring back all the information to the Court.

Cmr. Garza seconded the motion.

Judge Bruni thanked all the Veterans for being there.

### RECESS 2:08 P.M.

Judge Bruni stated that he would like to bring back item 23 for some comments.

Cmr. Garza motioned to bring back Item 23. Cmr. Gutierrez seconded the motion.

Motion carried 4-1 with Cmr. Sciaraffa not present.

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Judge Bruni stated that Item 23 was hotel/motel money and not property taxes money nor tax money that tax payers pay.

Cmr. Gutierrez stated that there has also been a misconception that the property is going to cost 1 million dollars; however, the property is going to cost less than \$100,000.

Mr. Carlos Villarreal stated that the original plan was to be able to pay everything out of hotel/motel monies; however, he stated that he does not know if the coverage is in the hotel/motel money. He

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stated that in speaking to the County Auditor there is enough money in the debt service to be able to cover a five year transaction process that will pay for the purchase of the building. Cmr. Gutierrez stated that it was good news to know that there was enough money for a five year transaction under the debt service. She mentioned that in five years that hotel/motel fund would have increased and funding would be available in the future.

Cmr. Gutierrez motioned to bring up Items 17, 18, 20, 21, and 19. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 17. Discussion and possible action to pass a Resolution Declaring Intention To Reimburse Certain Expenditures For Acquisition And Improvement Of "Casa Ortiz" and any matters incident thereto and authorizing the County Judge to sign all relevant documents.

Cmr. Gutierrez motioned to approve Items 17, 18, 20. She stated that Item 21 would be taken separate until they heard the presentation from their financial advisor.

Mr. Carlos Villarreal stated that one of the items that needed to be discussed in open session is Item 17 which is regarding the financing of the Casa Ortiz project. He stated that Don Gonzalez from Estrada Hinojosa was here to present both scenarios which indicate two types of funding. Mr. Villarreal stated that one scenario indicated if there were some funds available and the other if there were no funds available for the Casa Ortiz project.

Mr. Don Gonzalez stated that what they were looking at was an overall project cost that would include acquisition of design construction and everything associated with renovation which would come up with a total of approximately \$2 million and approximately \$350,000 would be used in County funds and there was a potential for a million dollars in grant funding. He mentioned that the current tax rate for the County on just the debt service was just over a nickel and a half. He stated that when they looked at future projections the debt service would be \$1,685,000 which would be financed. He stated that they anticipated the tax rate to be impacted less than .0031. He stated that the current debt service is \$7.3 million for this fiscal year 2007. He mentioned that if the County obtains 1 million dollars worth of grant funding, the impact for the tax rate for the first three years including this 2007 through 2009 would not have any tax rate impact. He explained that starting in 2010 a very minimal impact of the tax rate would take effect.

He stated that if there was no grant funding the first year's payment could be covered out of the debt service and at no tax rate impact. He stated that the following years the payments would be approximately \$370,000 a year and have a tax rate impact of 0.0001 cents. He stated that if the Court grants approval they would proceed to look for potential buyers. He mentioned that they would come back to the December 11th meeting with the information on the tax notes.

Cmr. Gutierrez asked that since Mr. Gonzalez presented two scenarios if the Court had to vote on either one of them. Mr. Gonzalez answered that no vote was needed. Cmr. Gutierrez explained

that the Resolution would get adopted and that would dictate the way the Court would be proceeding.

Cmr. Gutierrez motioned to approve the item as submitted and to adopt the Resolution declaring intention to reimburse certain expenditures for acquisition and improvements of "Casa Ortiz". Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 18. Discussion and possible action to ratify approval of Agreement For Financial Advisory Services between Webb County and Estrada & Company, Inc. for Issuance of Certificates of Obligation, Series 2006 and Limited Tax Refunding Bonds, Series 2005.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 20. Discussion and possible action to pass a Resolution Declaring the Necessity for Acquiring the Fee Simple Title to Certain Described Property (Casa Ortiz) for the Villa Antiqua Project and approving a Real Estate Sales Contract and Lease agreement for the property and any matters incident thereto and authorizing the County Judge to sign all relevant documents. [Executive Session is requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 (2) (Consultation with Attorney) and/or 551.072 (Deliberation regarding real property)]

Item No. 21. Discussion and possible action to enter into a twenty-five year lease agreement with the Texas A&M University System for the lease of the property known as "Casa Ortiz" being a component of the Villa Antiqua project and authorizing the County Attorney to settle any pending insurance requirements and further and authorizing the County Judge to sign all relevant documents.

Mr. Nathan Bratton, County Attorney's Office, stated that if the Court moves to approve items 20 and 21, they would like the additional authority to move or change the lease dates. He stated that they would like authority to work out the change in dates with TAMIU and the property owners for the lease.

Cmr. Gutierrez asked how much flexibility of time was needed. Mr. Bratton stated that it would be between December 15<sup>th</sup> and January 30<sup>th</sup>. Mr. Bratton stated that the approval could be made subject to the authority to move the date. Mr. Garcia, TAMIU Board, stated that the Board would take up the agreement on Thursday and vote on it on Friday. Cmr. Gutierrez asked that when the

Regions takes up the agreement and hopefully approves the agreement what does that mean. Mr. Garcia stated that it meant that they could proceed with the lease. Cmr. Gutierrez stated that the Casa Ortiz was a wonderful project and asked if Ms. Maria Eugenia Calderon wanted to say a few words. Ms. Calderon thanked the Court for allowing them to integrate TAMIU to the Villa Antigua Project. She asked Mr. Garcia if it was necessary for the Court to reach some type of agreement for him to present on Friday to Regions. Mr. Garcia stated that hopefully the project would get approved and they could pass on the news to Regions on Friday. Cmr. Gutierrez stated that Regions was waiting for some action to be taken by the Court to be able to approve or undertake this agreement. Cmr. Gutierrez thanked Mr. Nathan Bratton for his hard work on this project and to be able to have this item on the agenda.

Cmr. Gutierrez motioned to approve items 18, 20, and 21 as submitted. Cmr. Garza seconded the motion.

Mr. Nathan Bratton asked if the lease agreement dates could be moved. Cmr. Gutierrez stated that till the end of December.

Motion carried 5-0 by unanimous consent.

# Item No. 19. Discussion and possible action to appoint a Director for the Management information systems department from among applicants, set salary therefore, and any other matters incident thereto

Judge Bruni motioned to appoint Jaime F. Alvarado and as Deputy Director Richard A. Salinas. Cmr. Gutierrez asked if they had the ability to do that. Judge Bruni explained that on June 13, 2005, item 14 was discussion and possible action to fill slot 1526 Deputy Director of Dept. 0120 Human Resources. He stated that they have done that before and they can do it again. Cmr. Gutierrez asked that if Mr. Eddie Flores is the assistant right now, what happens to him. Judge Bruni stated that he was fired. He stated that if the Court wants the right quality for the MIS that is what needs to be done. Cmr. Gutierrez asked the County Attorney that since the item said discussion and possible action to appoint a Director for the Management Information System Department, if this could be done. Judge Bruni explained that it also said and any matters incident thereto. Mr. Bratton stated that the Court has the discretion to act on this item. Cmr. Garza stated that it was very bad policy for the Court to ask people to step up from assistant positions and have them as interim and then they did not get the position and they are out of a job. He stated that if the person that is promoted to interim and then they don't get the position should come back to their old position. He stated that this is done everywhere else except in Webb County. Cmr. Garza stated that this was not going to be the last time this happens; however, they had an opportunity right now to set policies for the future. Cmr. Sciaraffa stated that since Judge Bruni's choice was Mr. Alvarado they should have both applicants apply and have him decide. Cmr. Sciaraffa stated he did not think it was the time to hire and fire somebody.

Cmr. Gutierrez seconded the motion as far as Jaime Alvarado and hire him as MIS Director. Judge Bruni said that was not his motion.

Cmr. Gutierrez motioned to hire Jaime Alvarado as MIS Director and allow him to evaluate the needs he has in that department.

Cmr. Garza stated that he agrees to a certain part; however, Mr. Flores had given 25 years to the County and he does not agree to put him out on the street just because the Court agreed to take a different transition. Mr. Bratton stated that his recollection and what the Court had done before was that when an Interim Director's position had been filled permanently, that Interim goes back to his old position. He stated that the Court doesn't reach beyond the Director's position to do firing/hiring it stops at the Director. He explained that it was the Director of each department who would then do the hiring/firing for that department. Mr. Bratton stated that the way to clear this was to articulate the issue which was either to hire an individual and then have that Interim go back to his old position which has been what the Court has done or do something else in which case it would have to be done in a form of a motion.

Cmr. Gutierrez stated that she would restate her motion because she feels that the Court needed to stay with the policy that once someone is asked to step up as Interim and they don't get the position, they step down to their old slot.

Cmr. Gutierrez motioned to appoint Jaime Alvarado as MIS Director and have Mr. Eddie Flores go back to his old position.

Cmr. Brunner asked Mr. Frank Salinas if he was Interim at one time and what happened to him. Mr. Frank Salinas, Indigent Services Director, stated that when the new director was named he was automatically terminated. Cmr. Brunner stated that she wanted to clarify that for the record. Mr. Salinas stated that this happened 1 ½ yr ago while the present Court administration.

Cmr. Garza seconded the motion.

Motion failed 2-3 with Judge Bruni, Cmr. Sciaraffa, and Cmr. Brunner voting against.

Judge Bruni motioned to table the item. Cmr. Sciaraffa seconded the motion.

Motion carried 4-1 with Cmr. Gutierrez voting against.

Item No. 8. Discussion and possible action to direct and authorize the Webb County Engineer to supervise and manage oil and gas exploration and production activities occurring or to occur on the Webb County School lands.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 9. Discussion and possible action to assign one Chevrolet three quarter ton four wheel drive pick-up truck to the Webb County Engineering Department.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion with a question.

Cmr. Sciaraffa asked from where the truck was coming from.

Judge Bruni asked Mr. Eloy Ramirez, Purchasing Agent, where the vehicle was coming from?

Mr. Eloy Ramirez stated that the vehicle would come from the CEO 06 series to provide transportation for the Land Gauger.

Motion carried 4-1 with Cmr. Garza not present.

Item No. 10. Discussion and possible action to authorize the County Judge to sign Division Orders on school land producing wells issued by Lewis Petro Properties, Inc.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Brunner seconded the motion.

Motion carried 4-1 with Cmr. Garza not present.

Item No. 11. Discussion and possible action to direct the Webb County Tax Attorneys to dismiss Ca. No. 2004 TXA446-D1, Webb County v. Camino Columbia, Inc.; and authorizing the Appraisal District and County Tax Assessor Collector to delete said Camino Columbia, Account from the tax roles and any matters incident thereto. [Executive Session is requested pursuant to Texas Government Code, Title 5, Subchapter D, Section 551.071 (Consultation with Attorney) (Pending/anticipated Litigation).]

Cmr. Sciaraffa motioned to go into Executive Session. Cmr. Gutierrez seconded the motion.

Motion carried 4-1 with Cmr. Garza not present.

Ana Cavazos Ramirez & Maria Elena Morales requested that the Court table item till next meeting. Ms. Ramirez stated that they have consulted with their Attorney and they would like to consider negotiations. Ms. Ramirez mentioned that all information would be brought back to the Court in the next meeting after their meeting with Mr. Benavides and Mr. Notzon.

Cmr. Gutierrez motioned to table item till next meeting. Cmr. Garza seconded the motion.

Motion carried 4-1 with Cmr. Sciaraffa not present.

Item No. 12. Discussion and possible action to authorize the County Judge to sign Division Orders on school land producing wells issued by SABCO Operating Company.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Garza seconded the motion.

Motion carried 4-1 with Cmr. Sciaraffa not present.

Item No. 13. Discussion and possible action to authorize Watt Beckworth Thompson & Heneman, L.L.P. and the County Attorney to negotiate final surface damages on the Webb County School lands with SABCO Operating Company and any matters incident thereto.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 14. Status report on Cause No. 2004-CVE-001299-D1; Barbara Jeannine Goodman v. Webb County, Webb County Sheriff's Department, and Alberto Villarreal; in the 49th Judicial District Court of Webb County, Texas. [Executive Session is requested pursuant to Texas Government Code, Title 5, Subchapter D, Section 551.071 (Consultation with Attorney) (Pending/anticipated Litigation).]

Judge Bruni mentioned that this item had been pending since the year 2000. He explained that Ms. Barbara Goodman was a police officer and she had a car pull over and was giving a citation and had a deputy knock her down with his side view mirror. He stated that he would like a status report on this case. He asked if this had to wait till Executive Session or if it could be discussed in public. Mr. Nathan Bratton stated to Judge Bruni that this could be discussed in Executive Session or they could send him a confidential executive copy with the summary of the case. Judge Bruni stated that they would talk about this item in Executive Session.

Item No. 15. Discussion and Possible Action Approving Change Order No. 4 in the amount not to exceed \$1,500.00 to Zertuche Construction, Inc. for the Villa Antigua Border Heritage Museum and Parking Improvements Project at no cost to the county. Funding is from the Contingency line Item.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Garza seconded the motion.

## Item No. 16. Discussion and possible action to approve cell phones with 500 minutes each for Community Center Directors and staff.

Cmr. Garza stated that this item was just to have means of communications with the directors of these community centers. Mr. Carlos Villarreal recommended the cell phones only to the directors and bring back a plan on December 11<sup>th</sup> for radios for the drivers. Cmr. Gutierrez stated that she agrees that the center directors should have a phone; however, she agreed that the drivers should have some means of communications with the directors. Cmr. Gutierrez suggested if they could bring back a recommendation for communication for the drivers.

Cmr. Gutierrez motioned to approve the 500 minutes for the Directors and pending to come back with recommendation for the drivers. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 22. Discussion and possible action to authorize Mr. Raul Casso, Mr. Carlos Villarreal, the County Attorney's office, the District Attorney's office, and the Webb County Purchasing Agent to interview Dr. Corrinne E. Stern, D.O. for the position of Webb County Medical Examiner, and any other matter incident thereto.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Brunner seconded the motion. Cmr. Sciaraffa asked for discussion.

Judge Bruni said that Ms. Corrinne E. Stern had her own equipment and was well known throughout the United States. Cmr. Sciaraffa asked if the motion wasn't to hire Ms. Stern. Judge Bruni answered that this was in no way to hire her.

Cmr. Gutierrez that it was important to have somebody with this capacity like Ms. Stern that can help with the dilemma on the morgue. She stated that the Court has been working for several years to attract a Medical Examiner for Webb County. Cmr. Sciaraffa stated that he thought that somebody would get attracted for \$170,000 a year for the first ten months which was what Ms. Stern was asking for.

Mr. Raul Casso stated that currently there were 325 Medical Examiners in operation in the whole United States. He stated that yes she was asking for \$170,000 and he would not know if the County could pay her that much; however, in 2006 it cost the County \$340,000 to perform the autopsies in San Antonio including transportation and this expense grows about \$50,000 a year. Mr. Casso mentioned that Ms. Stern was highly recommended by the Texas Rangers and the morque would not need to be refurbished since she does have all her own equipment.

Cmr. Garza stated that word has been received from Bexar County saying that they might not be able to work with Webb County anymore. He asked Mr. Casso if the Court would decide to go that route, Ms. Stern would come in and take care of everything and begin to work from day one. Mr. Casso stated that she would require an autopsy table and a computer. He stated that one of the

concerns from the District Attorney's office was if she has testified in Court; however, he stated that Ms. Stern does testify in Court on a regular basis.

Cmr. Gutierrez stated that this is being done as a cost containment since the expense for autopsies will continue to escalade.

Judge Bruni stated that they can interview her and in two weeks the Court to decide on whether to hire.

Cmr. Garza motioned to approve item as submitted. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 24. Discussion and possible action to clear the \$86,414 year ending deficit in the Water Utilities Fund with a transfer of funds from savings in General Fund line items effective September 30, 2006.

Cmr. Garza motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 25. Discussion and possible action to approve a refund for 4V Holdings in the amount of \$5,466.258. [request from the Tax Assessor-Collector's Office, Dept 0700]

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 26. Discussion and possible action on the transfer of 2000, white ford excursion, from the DA's Office Fleet of vehicles to the County Court at Law 2.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 27. Discussion and possible action to enter into a one (1) year (December 1, 2006 to November 30, 2007) non-financial Cooperative Agreement with AARP Foundation to provide senior volunteer trainees to the

Webb County Community Action Agency [Requested by Webb County Community Action Agency]

Item No. 28. Discussion and possible action to enter into a two-year (November 27, 2006 to November 26, 2008) uniform rental agreement with Cintas Corporation to provide uniforms (shirts and pants) to Webb County Water Utility employees at a cost of \$9.45 per person per week with a charge of jackets at \$0.95 per person per week and authorizing the County Judge to sign all relevant documents. [Requested by Water Utilities Department; Account No. (801-3001-6202) Uniforms]

Item No. 29. Discussion and possible action to enter into a one (1) year (December 1, 2006 to November 30, 2007) Cooperative Working Agreement with Bethany House of Laredo, Inc. to provide homeless prevention funds and immediate food and clothing for referrals made by the Webb County Head Start Program and authorizing the County Judge to sign all relevant documents. [Requested by Head Start Program]

Item No. 30. Discussion and possible action to enter into a one (1) year (June 1, 2006 to May 31, 2007) Non Financial Cooperative agreement with Serving Children and Adolescents in Need, Inc. (S.C.A.N.) to provide Head Start parents with life training skills and authorizing the County Judge to sign all relevant documents. [Requested by Webb County Head Start Department]

Item No. 31. Discussion and possible action to enter into Third Party Funding Agreement for the Safe Haven Program in the amount of EIGHTY THOUSAND DOLLARS (\$80,000.00) and authorizing the County Judge to execute all relevant documents.

Item No. 32. Discussion and possible action to enter into Third Party Funding Agreement for the Laredo Animal Protective Society in the amount of FIFTY DOLLARS (\$50,000.00) and authorizing the County Judge to execute all relevant documents.

Judge Bruni motioned to approve item no 27, 28, 29, 30, 31, and 32 as submitted. Cmr. Sciaraffa seconded the motion.

Item No. 33. Discussion and possible action to authorize the Administrative Services Department to submit to our insurance carrier performance bond renewal applications for the following elected offices and at the following amounts:

Current	To
\$183,000	\$100,000
145,000	340,000
10,000	10,000
5,000	5,000
3,000	3,000
3,000	3,000
1,000	1,000
10,000	10,000
50,000	50,000
20,000	20,000
1,000	1,000
1,000	1,000
	\$183,000 145,000 10,000 5,000 3,000 3,000 1,000 10,000 50,000 20,000 1,000

And authorizing the County Judge to execute any and all relevant documents.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 34. Discussion and possible action to approve the submission of the 2007 Service Delivery Plan to the Texas Department of Housing & Community Affairs (TDHCA) and authorizing the County Judge to sign all relevant documents.

Cmr. Gutierrez motioned to approved item as submitted. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 35. Discussion and possible action to authorize the submission of a Texas Community Development Block Grant Program application to the Office of Rural Community Affairs for the Microenterprise Loan Fund in the amount of \$100,000.00, with \$25,000.00 in in-kind matching funds (time and effort.). Grant funds will be used to provide six loans of an average of \$14,000.00 each to microenterprises i. e., businesses with five or fewer employees, of whom at least one is the owner, for the purpose of creating jobs.

Cmr. Gutierrez motioned to approved item as submitted. Cmr. Garza seconded the motion with discussion. Cmr. Gutierrez asked Mr. Juan Vargas, Economic Development, how this program works. Mr. Vargas stated the they would be acting on behalf of the State to take applications and the State would be deciding on the loan. Mr. Vargas stated that they would not have any liabilities.

Motion carried 5-0 by unanimous consent.

Item No. 36. Discussion and possible action to authorize the submission of a Justice and Mental Health Collaboration Program Planning Grant to the U. S. Department of Justice Office of Justice Programs Bureau of Justice Assistance in the amount of \$50,000.00 with an in-kind County contribution of \$12,500.00 for a total project cost of \$62,500.00. Grant funds will be used to design a strategic, collaborative plan to initiate systemic change for the identification and treatment of offenders with mental illness. Collaborating agencies will include Border Region MHMR and South Texas Council on Alcohol and Drug Abuse.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

Judge Bruni motioned to approve item no 37, 38, 39, 40, and 41. Cmr. Gutierrez seconded the motion.

Mr. Tomas Rodriguez asked the Court if Item no 39 could be tabled.

Item No. 39. Discussion and Possible Action Authorizing the Engineering Department to purchase one half ton pickup truck to assist the Asst. County Engineer to inspect County paving projects and TXDOT Border Colonias Access Program paving projects. Funding will be derived from the Bond Series 2006 Capital Outlay.

Judge Bruni motioned to table item. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 37. Discussion and Possible Action Authorizing Final Payment and Retainage to Sherfey Engineering Co., L.L.S., in the amount of \$9,947.50 for the Design of the TWDB-EDAP Waste Water Collection System project on the north side of El Cenizo.

Item No. 38. Presentation by George Pontikes of Satterfield & Pontikes Construction, Inc., reference current contract of \$11,000,095.98 for the 2.4 million gallon per day Water Treatment Plant.

Cmr. Garza stated that what was the presentation from Mr. George Pontike about.

Mr. Tomas Rodriguez, County Engineer, mentioned that the project should have been finished since October of 2005; however, the construction company asked for \$750,000 in additional funds in addition to the retainage and he said no. He stated that they also asked for an additional \$250,000 in addition to the retainage and he also said no. Cmr. Garza asked what the additional quarter million dollars was for. Mr. Rodriguez stated that they were claiming that some damages that occurred was Webb County's fault.

Cmr. Gutierrez stated that this was just a presentation and no action was needed.

## Item No. 40. Discussion and possible authorizing the Plaques for the Girl's Scouts Building and the LIFE Downs Building

Judge Bruni motioned to approve item as submitted. Cmr. Brunner seconded the motion.

Motion carried 5-0 by unanimous consent.

# Item No. 41. Discussion and possible action authorizing the Road and Bridge Department to construct a parking lot for LIFE Downs utilizing the asphalt milling materials donated by Tex-Dot.

Cmr. Gutierrez motioned to approve item as submitted. Judge Bruni seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 42. Discussion and possible action to fill slot # 1105, and 1696, parttime Substitute Teacher (30 hrs/week for 10 months) with an annual salary of \$9,097.21, effective November 28, 2006 through May 18, 2007.

Item No. 43. Discussion and possible action to fill slot # 1703, 1801, and 2050, part-time Substitute Teacher (15 hrs/week for 10 months) with an annual salary of \$4,548.60, effective November 28, 2006. through May 18, 2007.

Judge Bruni motioned to approve item 42 and 43 as submitted. Cmr. Sciaraffa seconded the motion.

Item No. 44. Discussion and possible action to authorize the Purchasing Agent to purchase one (1) NEC telecommunications system in the amount of \$8,900.00 from Summit Communications for the Justice of the Peace Pct. 3, the Honorable Judge Oscar O. Martinez. ACCT: 016-1044-8801.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 4-1 with Cmr. Garza not present.

# Item No. 45. Discussion and possible action to authorize the purchase of two (2) 2007 Police Patrol vehicle from the following vendors for the Constable Pct # 1. Account #722-2500-8801

Description	Vendor /Bid #	Unit Price	Total
(2) 2007 Police Vehicle	Philpott Motors/ VE03-06	\$11,268.00	\$63,640.00
(2) Way Radios	Motorola, Inc.	\$3,090.96	\$6,181.92
•	Grand Total		\$69,821.92

Judge Bruni motioned to approve item with a question. Cmr. Gutierrez seconded the motion

Judge Bruni asked what police vehicles are these and for what police agency. Mr. Eloy Ramirez stated that they were going to be for Constable Pct. #1 Rudy Rodriguez. Mr. Ramirez stated that the unit price on the vehicles was incorrect and should be \$31, 670.00

Judge Bruni motioned to approve item. Cmr. Brunner seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 46. Discussion and possible action to authorize the Purchasing Agent to purchase a high density filing system from Records Systems, LLC in the amount of \$24,767.71 through the state contract (TXMAS) for the District Clerk's Office. Funded by the Archives/Preservation fund.

Item No. 47. Discussion and possible action to authorize the purchase of one (1) 2007 4 x 4 Extended Cab truck from Philpot Motors Company in the Amount of \$18,194.00 contract # 208-04 for the Planning Department from the Certificate of Obligation Series 2006.

Item No. 48. Discussion and possible action to authorize the Purchasing Agent to purchase uniforms from Unifirst Uniforms Annual Contract No.: 2007-32 for the Road and Bridge Department. ACCT. 010-7002-6202.

Item No. 49. Discussion and possible action to authorize the purchase of one (1) 2007 Van from Caldwell County Motors in the amount of \$18,388.00 contract # VE03-06 for the Purchasing Department from funds form Certificate of Obligation Series 2006.

Item No. 50. Discussion and possible action to authorize the Purchase of a half (½) Ton Extended Cab Truck from Philpott Motors Company in the amount of 19,683.00 contract # VE03-06 for the Engineering Department from the Bond Series 2006 Capital Outlay.

Cmr. Gutierrez motioned to approve items 46, 47, 48, 49, and 50 as submitted. Cmr. Brunner seconded the motion.

Motion carried 4-1 with Cmr. Garza not present.

Item No. 51. Discussion and possible action to purchase an upgrade for the Tele-Communications Switch from Mitel Network Inc., in the amount of \$81,387.70. Account # 001-0500-6402.

Item No. 52. Discussion and possible action to authorize the Purchasing Agent to outright purchase one (1) digital copier from Office Communications Systems in the amount of \$8,958.00 from the Certificate of Obligations Series 2006 account for the 406th District Judicial Court.

Item No. 53. Discussion and possible action to authorize the Purchasing Agent to purchase furniture from National Business Furniture in the amount of \$15,377.00 for the Webb County Clerk's office from the from the Certificate of Obligations Series 2006 account.

Item No. 54. Discussion and possible action to authorize the Purchasing Agent to retain RDO Equipment to overhaul engine in the amount of \$10,850.00 for the Road and Bridge Department. ACCT: 010-7002-6402.

Item No. 55. Discussion and possible action to authorize the Purchasing Agent to purchase one (1) Ford Fusion Sedan from Philpott Motors in the amount of \$18,966.00 through the Houston Galveston Area Council contract number VE03-06 for the County Clerk, Margie Ibarra; ACCT. 001-1120-8801.

Item No. 56. Discussion and possible action to authorize the Purchasing Agent to purchase radio equipment for three (3) new units from Motorola in the

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amount of \$12,859.12 through the Houston Galveston Area Council state contract for the District Attorney's Office. Acct: 169-1100-6224; Bal.: \$13,870.00.

Item No. 57. Discussion and possible action to authorize the Purchasing Agent to solicit bids for uniforms for the Sheriff's Department.

Item No. 58. Discussion and possible action to authorize the Purchasing Agent to ratify the purchase of radio equipment for the jail in the amount of \$4,994.00 for the Sheriff's Department from NICE Systems, Inc. ACCT. NO.: 001-2060-6401; BALANCE: \$38,480.16.

Item No. 59. Discussion and possible action to authorize the Purchasing Agent to purchase radio equipment for the jail (Radio Division) in the amount of \$6,525.00 for the Sheriff's Department from NICE Systems, Inc. ACCT. NO.: 001-2060-6401;BALANCE: \$38,480.16.

Cmr. Gutierrez motioned to approve item 51, 52, 53, 54, 55, 56, 57, 58 and 59 as submitted. Cmr. Brunner seconded the motion. Judge Bruni asked Mr. Eloy Ramirez that why on item 58 it said ratify and on item 59 it said purchase. Mr. Ramirez stated that the two items had been submitted to his office and the \$4,994 had already been encumbered and purchased; however, if the total was added it would go over the \$5,000 limit and that was why is was taken for approval.

Motion carried 5-0 by unanimous consent.

**Item No. 60.** Discussion and possible action to award the following bids and Request for Qualifications:

Bid No. 2007-57 "Annual Contract for Refuse Collection"

Recommendation: Southern Sanitation

Bid No. 2007-58 "One (1) Fourteen (14) Passenger Bus w/wheelchair Capacity" Recommendation: Southwest Ford Inc. \$50,011.75

Bid No. 2007-60 "Street Repairs to Centeno Street in Rio Bravo, Texas" Recommendation forthcoming

Q-2006-04 "Request for Qualifications for a Land Agent/Gauger" Recommendation forthcoming

Bid No.: 2007-61 "One 110 x 180 x 20 Metal Building" Recommendation forthcoming

Mr. Eloy Ramirez stated that on Bid 2007-57, they did get in contact with the firm that Judge Bruni had suggested; however, this firm had limited equipment. Therefore, the recommendation was Southern Sanitation.

Cmr. Gutierrez motioned to approve annual contract for refuse collection to Southern Sanitation. Cmr. Brunner seconded the motion.

Motion carried 4-1 with Cmr. Garza not present.

Mr. Ramirez stated that Bid 2007-58 was a passenger bus for the Community Action Agency. Cmr. Gutierrez motioned to approve Southwest Ford Inc. for Bid 2007-58. Cmr. Brunner seconded the motion.

Motion carried 4-1 with Cmr. Garza not present.

Mr. Eloy Ramirez stated that on Bid 2007-60 his recommendation was for CG Construction.

Cmr. Gutierrez motioned to approve recommendation. Cmr. Brunner seconded the motion.

Motion carried 5-0 by unanimous consent.

Judge Bruni motioned to table Bid 2006-04 which has already been taken care of. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

Mr. Eloy Ramirez stated that on Bid 2007-61 it was in reference to the show and sale barn. He stated that bids opened today and his recommendation was for CG Construction for a total of \$304,469.51.

Judge Bruni motioned to approve item and stated that there was a shortage of \$54,500.00 and instructed staff (Mr. Raul Casso) and Mr. Perez where he could find monies in the savings for this shortfall. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

# Item No. 61. DISCUSSION AND POSSIBLE ACTION TO APPROVE AND AUTHORIZE TO DO A TITLE CHANGE ONLY FOR SLOT # 2166, FROM EXECUTIVE SECRETARY TO CLERK II.

Judge Bruni motioned to approve item as submitted. Cmr. Gutierrez seconded the item.

Motion carried 5-0 by unanimous consent.

Judge Bruni motioned to go into executive session at 4:06 p.m. Cmr. Gutierrez seconded the motion.

Judge Bruni called meeting back to order at 4:58. He stated that no action was taken.

Item No. 14. Status report on Cause No. 2004-CVE-001299-D1; Barbara Jeannine Goodman v. Webb County, Webb County Sheriff's Department, and Alberto Villarreal; in the 49th Judicial District Court of Webb County, Texas. [Executive Session is requested pursuant to Texas Government Code, Title 5, Subchapter D, Section 551.071 (Consultation with Attorney) (Pending/anticipated Litigation).]

Nr. Nathan Bratton stated that no action was taken being that this was just a status report.

Item No. 63. Discussion and possible action to authorize the settlement of claim related to property damage to vehicle and home of Jorge & Rosa resulting from a motor vehicle collision, which occurred on or about October 24, 2006 with a county vehicle driven by a Constable Deputy. [Executive Session is 'requested pursuant to Texas Government Code, Title 5, subchapter D, Section 551.071 (Consultation with Attorney)]

Mr. Nathan Bratton asked the Court for approval to grant authority to settle case in the amount that was discussed in Executive Session.

Cmr. Gutierrez motioned for approval. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 62. Discussion and possible action to finalize amount of compensation due to delinquent tax attorney collection firm, Tijerina, Cavazos, Morales and Montemayor and authorize final payment [Executive Session is 'requested pursuant to Texas Government Code, Title 5, subchapter D, Section 551.071 (Consultation with Attorney)]

Cmr. Gutierrez stated that this has been going on for a few years already. She stated that an audit has been done by the Auditors Office for 8 ½ months. Mr. Rafael Perez stated that the audit was conducted from July 2003 to March 2004.

Cmr. Gutierrez motioned to approve that in the two categories which are the Pre 92s and in the bankruptcies, that the average be taken from the audit that was conducted by the Auditors Office and use those 8 ½ months as benchmark numbers. She stated that then those benchmark numbers should be applied to the 36 month contract period and settle on that amount. She stated that yes the amount should be multiplied by 15%. Cmr. Sciaraffa seconded the motion.

Mr. Rafael Perez stated that they wanted to use only 8 ½ months and only for the bankruptcy two months would be eliminated because of the dollar amount for October 2003 and January. Therefore, he stated that just for that category they wanted to use 6 ½ months.

Cmr. Gutierrez stated she did not think it was fair to do that. She believed that the Court should come to a conclusion and move on this particular issue. She stated that she believed that the County would be spending a lot of money if they take the recommendation of the Auditor to perform a full audit. Cmr. Sciaraffa stated that he agreed that the audit would cost more that what is owed to the company.

Motion carried 5-0 by unanimous consent.

### 64. Adjournment

Cmr. Gutierrez motioned to adjourn the meeting. Cmr. Sciaraffa seconded the motion.